

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

SUPPORT FOR CLAIM AMENDMENTS

Support for the amendments to the claims can be found in the specification as originally filed, for example, on page 13, lines 1-16. As such, no new matter has been introduced.

CLAIM OBJECTIONS

The objection to claim 11 has been obviated by appropriate amendment and should be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 1 and 4-21 under 35 U.S.C. §103(a) as being unpatentable over Hardin et al. '507 in view of Hardin '920 and Hardin et al., Design Considerations Of Phase-Locked Loop Systems for Spread Spectrum Clock Generation Compatibility, IEEE 1997 IS on EC, 18-22, August 1997 (hereinafter Hardin IEEE) is respectfully traversed and should be withdrawn.

The new grounds of rejection presented in the Office Action are not proper in light of evidence previously presented in the prosecution of this application. Specifically, the earliest priority date to which Hardin '507 is entitled is the filing date

September 1, 1999. Evidence that the present invention was conceived and reduced to practice prior to September 1, 1999 was previously submitted in an Amendment filed November 22, 2002. In particular, a Declaration of Meredith McKenzie under 37 CFR §1.131 (which is attached as Exhibit G for the Examiner's convenience) provided evidence that the present invention was conceived and reduced to practice prior to September 1, 1999 (see paragraphs 4 and 5 of the Declaration of Meredith McKenzie under 37 CFR §1.131 and supporting documents attached as Exhibits A-F).

Since the invention date of the present invention precedes the filing date of the Hardin '507 reference, Hardin '507 is not available as prior art. In particular, Applicants' may overcome a 35 U.S.C. §103 rejection based on a combination of references by showing completion of the invention by the Applicant prior to any of the references (see M.P.E.P. §715.02). The Declaration of Meredith McKenzie under 37 CFR §1.131 provides evidence that the invention was completed prior to the Hardin '507 reference and, therefore, overcomes the rejection under 35 U.S.C. §103 (see paragraphs 4 and 5 of the Declaration of Meredith McKenzie). Therefore, the combination of Hardin '507 in view of Hardin '920 and Hardin IEEE is not proper and the rejection under 35 U.S.C. §103(a) should be withdrawn.

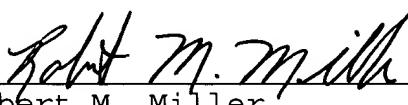
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicants' representative should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge our office Account No. 50-0541.

Respectfully submitted,

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